

REMARKS

Claims 107-164 are pending in the application.

Claims 107-164 have been rejected.

Claims 148-164 have been canceled.

Claims 165-181 have been added.

Objection to Drawings

The Office Action objects to Figure 1 as failing to comply with 37 CFR 1.84(p)(5) because it does not include the reference signs 131, 132, 146, and 147 mentioned in the description on page 2. Applicants have reviewed Figure 1 as amended and submitted to the Examiner on April 30, 2004 and have found all reference signs noted as missing by the Office Action. Applicants note that reference signs 131 and 132 ("Connection 131" and "Connection 132") are near the bottom of amended Figure 1 and are associated with two dotted-line connections. Reference sign 146 ("Connection 146") is located near the top of amended Figure 1 and is associated with an arched dotted line connection between Program 135 and Program 140. Finally, reference sign 147 ("Connection 147") is shown near the middle of amended Figure 1 and is associated with another arched dotted-line connection between Program 135 and Program 140. In light of the presence of these reference signs in the Figure, Applicants respectfully request review of amended Figure 1 as submitted on April 30, 2004.

Rejection of Claims under 35 U.S.C. § 112

Claims 107, 131, 148, 125, 145, and 162 stand rejected under 35 U.S.C. § 112 para. 1 as failing to comply with the written description requirement. The Office Action states that these claims contain subject matter that was not described in the specification in such a way as to reasonably convey to a person skilled in the art that Applicants had possession of the claimed invention at the time of filing. The Office Action specifically states that there is no written description suggesting “creating a socket associated with the first connection and the first security token if none of the security associated tokens match.” Applicants respectfully submit that sufficient written description is present in the original application to inform a person of ordinary skill in the art that Applicants were in possession of such claimed invention.

Figure 4 of the original application illustrates a flow diagram of an exemplary set of operations that a relay program 210 (*see* Figure 2) can perform in supporting a connection such as that illustrated in Figure 2 and as claimed in the above-referenced claims. The set of operations that can be performed should a “password provided” (an example of the claimed security token) not match any of the current open sockets provides supporting written description for the above-referenced claims.

If the password provided does not match any of the current open sockets (step 430), relay program 210 makes the determination as to whether the attempted connection should be configured as a listening connection (step 440). If the requested connection is not to be left open in an effort to listen for a corresponding connection, the attempted connection is disconnected (step 460). If the attempted connection is to be configured as a listening connection, the attempted connection is put on the list of currently open sockets (step 470).

See Original Application, p.12, ll.12-19 & Figure 4. Applicants respectfully submit that the quoted description from the Original Application and Figure 4 provide sufficient written description to support the above-referenced claims.

Claim Objections

Claims 148, 150-162, and 164 are objected to as to the use of the term “adapted to.” While Applicants respectfully submit that “adapted to” as used in the claims is a positive limitation, Applicants have canceled Claims 148-164, which include the objected to claims.

Rejection of Claims under 35 U.S.C. § 101

Claims 148-164 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action states that the computer program product recited in those claims is not embodied in a computer hardware or nor properly claimed, as required under MPEP § 2106. While Applicants respectfully submit that the previously presented format for computer program product claims is statutory, in order to advance the status of the application, Applicants have canceled Claims 148-164 and have presented new Claims 165-181 directed to a computer program product using a format previously found acceptable to the Examiner. Applicants note that Claims 165-181 contain formal modifications to the previously presented computer program product claims, and contain no language that limits the scope of the claims beyond that previously presented.

Rejection of Claims under 35 U.S.C. § 102

Claims 107-127 and 131-164 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,941,988 issued to Bhagwat et al. (“Bhagwat”). Applicants respectfully traverse this rejection. Applicants further note that Claims 148-164 have been canceled in the present paper and therefore rejections as to those claims are moot.

Claims 107-108 and 131-132. The Office Action suggests that Bhagwat contains all the limitations of independent claims 107 and 131, as well as the cited dependent claims. However, Applicants respectfully submit that the cited sections of Bhagwat do not disclose all of the limitations of the cited claims.

Each of the independent claims requires “providing a plurality of sockets, wherein each socket has an associated connection and an associated security token.” The Office Action provides no reference to any such disclosure within Bhagwat. After a review of Bhagwat, Applicants have been unable to find any disclosure of the above-referenced claim limitation.

Applicants respectfully note that the cited Bhagwat reference relied upon in the Office Action has not been designated as nearly as practicable at least as to the above claim limitation, and the pertinence of the reference has not been clearly explained, both as required by 37 CFR § 1.104 (c)(2). Nevertheless, Applicants have made every attempt to respond to the rejection recited in the Office Action.

Each of the referenced independent claims (and the associated dependent claims) contain a limitation of the form “comparing the first security token with the associated security tokens.” As indicated above, Bhagwat does not contain disclosure of a plurality

of sockets with associated security tokens, and therefore cannot contain disclosure of comparing a first security token with such an associated security token. Further, the sections of Bhagwat referenced in the office action do not contain disclosure of any such comparison. Bhagwat 7:10-55 discusses making an initial connection to a socket using the SOCKS protocol, but does not discuss a comparison of a first security token with security token associated to a plurality of sockets. Bhagwat 8:40 *et seq.* discloses a process of reviewing packets received on a pair of connections “glued” to one another, but does not discuss any comparison of security tokens associated with the connections. Bhagwat 4:22-37 relates to the matching of TCP options negotiated at connection setup time, and makes no reference to security tokens. Nor does Bhagwat 12:33-55 (Bhagwat claim 7) present any comparison of connection security tokens.

The claims also contain a limitation of “creating a socket associated with the first connection and the first security token,” if none of the associated security tokens match the first security token. As stated above, the cited portions of Bhagwat do not contain disclosure of any comparison between a first security token and associated security tokens, and therefore there can be no steps taken in response to such a comparison. The cited sections of the reference are the same as those discussed above and therefore contain no additional disclosure that could be construed as including such a comparison.

Applicants further note that a large section of the reference is included in Bhagwat 7:10-55 as well as Bhagwat 8:40 *et seq.* and respectfully submit that such a reference does not designate the relied upon section as nearly as practicable, and further that the pertinence of the reference has not been clearly explained, again as required by

37 CFR § 104(c)(2). Nevertheless, Applicants have made every attempt to respond to the rejection cited in the Office Action.

For at least these reasons, Applicants respectfully submit that independent Claims 107, 131, and 148 are allowable over Bhagwat, along with all claims that depend upon these Claims 107, 131, and 148.

Claims 109, 111, 133, and 135. These dependent claims contain a further limitation wherein “if the first security token and a security token associated with one of the plurality of sockets match, coupling the first connection to the connection associated with the socket.” The cited section of Bhagwat does not disclose coupling a first connection to a connection already associated with a socket as related by the claim. The presented section of Bhagwat discloses creating a second new connection from the disclosed proxy to a remote host. Applicants respectfully submit that such disclosure cannot anticipate the quoted limitation of these claims and that these claims are therefore allowable over Bhagwat.

Claims 115 and 139. These dependent claims contain an additional limitation that “the first connection is transmitted through a first firewall program.” Applicants respectfully submit that the cited sections of Bhagwat do not contain disclosure of such a limitation. Bhagwat 1:45-67 includes no mention of a first connection transmitted through a firewall. Any disclosure of a firewall is in relation to the proxy itself being the firewall (i.e., a “firewall proxy”). Since the proxy is the endpoint of the first connection, it cannot be said that the first connection is transmitted through the firewall. Similarly, Bhagwat 5:5-20 discloses a “firewall proxy”, wherein the firewall proxy 12 provides a bridge over a firewall and neither the connection from telnet client 11 nor the connection

from telnet server 13 are transmitted through the firewall. Applicants therefore respectfully submit that, for at least these reasons, these claims, and any claims dependent therefrom, are allowable over Bhagwat.

Independent Claims 120 and 140. These claims contain the following limitations:

- creating a first connection to a first program;
- receiving a first security token from that first program;
- creating a second connection to a relay program;
- providing the security token received from the first program to the relay program;
- coupling the first connection to the second connection upon successful creating of the second connection.

See, e.g., Claim 120. The cited sections of Bhagwat do not contain disclosure of these limitations. Bhagwat 3:63-4:8 discloses point-to-point TCP connections from a network address to a port. Bhagwat 5:5-40 discloses a scenario where a telnet client 11 opens a connection to a firewall proxy 12 and then the firewall proxy initiates a connection with a telnet server 13. Neither cited section provides disclosure where, following the terminology set forth in the cited section of Bhagwat, the firewall proxy initiates the connection to the telnet client 11, then receives a security token from telnet client 11, and then initiates a connection with telnet server 13, followed by providing the security token to the telnet server. Similarly, Bhagwat 7:26-44 does not disclose a method with the limitations of the above-referenced claims, providing only a reiteration of the above disclosure with additional detail. Since Bhagwat does not contain these limitations, it cannot anticipate these independent claims nor any claims which depend upon these

independent claims (i.e., claims 121-130, 140-147, 158-164). Applicants therefore respectfully submit that these claims are in condition for allowance.

Dependent Claims 125 and 145. These claims, dependent upon claims 120 and 140, respectively, contain additional limitations similar to those present in independent claims 107 and 131. For the reasons expressed above with respect to those independent claims, Applicants respectfully submit that the Bhagwat reference does not contain disclosure of these limitations, and therefore does not anticipate these claims as suggested by the Office Action.

For at least the reasons stated above, Applicants respectfully submit that the discussed claims, and all claims dependent upon them, are allowable over Bhagwat and not anticipated under 35 U.S.C. § 102.

Rejection of Claims under 35 U.S.C. § 103

Claims 128-130 stand rejected under 35 U.S.C. §103(a) as being anticipated by Bhagwat in view of U.S. Patent 6,104,716 issued to Crichton et al. ("Crichton"). Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation

of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

For the reasons expressed in the section regarding 35 U.S.C. § 102, Bhagwat does not contain all the limitations of independent Claim 120 upon which Claims 128-130 are based. Further, the Office Action makes no argument that Crichton discloses the missing limitations of the independent claim.

In addition, neither Bhagwat nor Crichton discloses the claimed protocol daemon. The Office Action admits that Bhagwat does not contain any disclosure of a protocol daemon (*see* ¶ 8.2). The claimed protocol daemon initiates a first connection to a first program and a second connection to a relay program, receives a security token from the first program and provides the security token to the relay program. None of the cited portions of Crichton contain such a disclosure.

For at least these reasons, neither Bhagwat nor Crichton, alone or in combination, teach all of the limitations of dependent Claims 128-130. The burden is on the Examiner to support a case of obviousness, including whether the prior art references teach or suggest all of the claim limitations. *See* MPEP 706.02(j).

Applicants also respectfully submit that a person of ordinary skill in the art would not be motivated to combine Crichton with Bhagwat based upon the teachings of the references themselves or the knowledge of the art. Crichton and Bhagwat each describe methods of setting up proxy connections: Crichton through the disclosed Lightweight Secure Tunneling Protocol and Bhagwat through the disclosed TCP glue. The disclosures of the references do not indicate that these methods are compatible, nor does the Office Action make such an argument. Such teachings may be considered cumulative

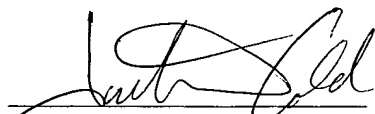
to a person of ordinary skill in the art. Cumulative teachings argue against a finding that references may be combined for obviousness.

For these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of dependent Claims 128-130, and all claims dependent upon them, and that they are in condition for allowance. Applicants therefore request the Examiner's reconsideration of the rejections to those claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on November 17, 2004.

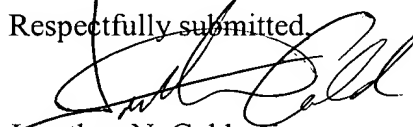


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11/17/2004

Date of Signature

Respectfully submitted,



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